

Notice of Allowability

Application No.

10/730,536

Examiner

Jason L Savage

Applicant(s)

MCCULLOUGH ET AL

Art Unit

1775

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to IDS filed 3-11-04.
2. ☒ The allowed claim(s) is/are 22 and 56-73.
3. ☒ The drawings filed on 08 December 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 03-11-04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DEBORAH JONES

SUPERVISORY PATENT EXAMINER

Art Unit: 1775

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Specification:

In the amended paragraph to be added on page 1 of the specification, under the heading of 'Cross Reference to Related Applications' delete 'allowed' and insert therefore --US Patent 6,723,451--.

In the amended paragraph to be added on page 15, line 17, after '08/492,960' insert therefore --now US Patent 6,245,425--.

In the same paragraph to be added on page 15, line 17, after '09/616,589' insert therefore --now US Patent 6,485,796--.

In the amended paragraph to be added on page 18, line 16, after '09/616,784' insert therefore --now US Patent 6,559,385--.

2. Claims 22 and 56-73 are allowed.

3. The following is an examiner's statement of reasons for allowance:

The closest prior art of McCullough et al. (US 6,336,495) teaches a method for forming an aluminum matrix composite wire comprising continuous longitudinally

Art Unit: 1775

positioned fibers in the aluminum matrix by immersing the continuous alumina fibers into a molten matrix material, imparting ultrasonic energy to cause vibration, withdrawing the infiltrated fibers and allowing the matrix material to solidify. The prior art of Sowman (US 3,795,524) teaches a composite material containing continuous fibers having similar contents of alumina, silica and B_2O_3 embedded in a matrix material that may be aluminum. Sowman further teaches that the modulus and average tensile strength of the composite may overlap the ranges claimed.

However, the prior art does not teach or suggest a method for forming the aluminum matrix composite by the claimed method which exhibits a nonlinear coefficient of thermal expansion over a temperature range of -75 to 500°C and as such, the present invention has been determined to be allowable over the cited prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry to this communication or earlier communications from the Examiner should be directed to Jason Savage, whose telephone number is (703)305-0549. The Examiner can normally be reached Monday to Friday from 6:30 AM to 4:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Deborah Jones, can be reached on (703)308-3822.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Art Unit: 1775

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).



Jason Savage

5-12-04



DEBORAH JONES
SUPERVISORY PATENT EXAMINER